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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,358	01/17/2002	Friedrich J. Ehrlinger	ZAHFRI P 396US	6919

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EXAMINER

ESTREMSKY, SHERRY LYNN

ART UNIT PAPER NUMBER

3681

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/031,358

Applicant(s)
Ehrlinger

Examiner
Sherry Estremsky

Art Unit
3681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, and 20 is/are rejected.
- 7) ☒ Claim(s) 15, 17-19, and 21-23 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 17, 2002 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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DETAILED ACTION

The receipt of the preliminary amendment of the application 10/031,358, including amendments to the specification, cancellation of claims 1-12, and addition of claims 13-23, is acknowledged.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 13, 15, and 17 are objected to because of the following informalities: In claim 13, line 3, it appears a comma should be inserted between "internal gear (10)" and "planetary gear (36)"; in claim 15, line 2, it appears "as" should be --is--; in claim 17, "shifting clutch" should be --shift clutch--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claim 20 cannot be determined because it is dependent on claim 1, which was cancelled.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 13, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sherman, U. S. Patent 5,285,111.

Sherman shows in figure 1 an electrodynamic drive system for a vehicle located between a drive source 11 and a manual transmission 39 (the invention "can be employed in conjunction with either automatic or manual drive ratio selection transmissions", column 2, lines 1-4). The drive system has a planetary gear drive 10, including a sun gear 24, an internal gear 28, a planetary gear 25, and a planetary gear carrier 26. The planetary gear carrier 26 is connected to the manual transmission 39, the internal gear 28 is connected to the drive source 11, the sun gear 24 is bound to at least one electric motor 14, and a shift clutch 33 is between the planetary gear carrier 26 and the sun gear 24 operable to bypass the planetary drive ("clutch 33 engaged so that the motor/generator 14 remains coupled to the output sleeve shaft 37", column 8, lines 21-22). (claim 13)

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A blocking device is provided for torque reinforcement during starting of the drive source 11 (column 6, lines 5-17).
(claim 14)

The blocking device is a parking lock (column 6, lines 11-13).
(claim 16)

Allowable Subject Matter

7. Claims 15, 17-19, and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent 3,077,115 (Chapman, Jr.) - discloses an electrodynamic drive system for a vehicle located between a drive source and a transmission. The drive system has a planetary gear drive including a sun gear bound to at least one motor and a blocking device for torque reinforcement during starting of the drive source. The blocking device is an override clutch on an input shaft of the transmission, but it is specifically for use with an automatic transmission.

U. S. Patent 5,482,512 (Stevenson) January 1996 - discloses a blocking device for torque reinforcement during starting of a drive source in an electrodynamic drive system for a vehicle.

U. S. Patent 5,846,153 (Matsuoka) December 1998 - discloses a planetary gear drive, including a lock up clutch to by pass the planetary drive, between a drive source and a manual transmission.

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U. S. Patent 5,846,155 (Taniguchi et al.) December 1998 - discloses an embodiment of an electrodynamic drive system between a drive source and a transmission having a planetary gear drive including a clutch between two elements of the planetary gear drive to bypass the planetary drive.

U. S. Patent 5,856,709 (Ibaraki et al.) January 1999 - discloses an electrodynamic drive system between a drive source and a transmission having a planetary gear drive including a carrier connected to the transmission, an internal gear which can be connected to the drive source through a clutch, a sun gear bound to an electric motor, and a clutch between the carrier and sun gear. In one embodiment, an overrunning brake is provided between the drive source and the electrodynamic drive system.

U. S. Patent 5,875,691 (Hata et al.) March 1999 - discloses in one embodiment an electrodynamic drive system between a drive source and what appears to be a manual transmission, having a planetary gear drive including a carrier connected to the transmission, an internal gear which can be connected to the drive source through a clutch, a sun gear bound to an electric motor, and a clutch between the carrier and sun gear.

U. S. Patent 5,895,333 (Morisawa et al.) April 1999 - discloses an electrodynamic drive system between a drive source and a transmission having a planetary gear drive including a carrier connected to the transmission, an internal gear which can be connected to the drive source through a clutch, a sun gear bound to an electric motor, and a clutch between the carrier and sun gear.

U. S. Patent 6,440,032 (Stauber et al.) August 2002 - discloses a manual transmission used in combination with a planetary gear drive including a sun gear, internal gear, carrier, and a clutch between two of the planetary elements to bypass the planetary drive. The clutch appears to be a dog clutch.

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FACSIMILE TRANSMISSION

9. Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 305-3597**. Recognizing the fact that reducing the cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and deliver time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitted by facsimile transmission separately from the check.

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(Signature)

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Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherry Estremsky whose telephone number is (703) 308-2164. The examiner can normally be reached on Monday through Thursday from 7:30 a.m. to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, can be reached at (703) 308-0830. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

SLE
(703) 308-2164
March 15, 2003


SHERRY ESTREMSKY
PRIMARY EXAMINER
AV3681 3-15-03